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July 25, 2001

The Honorable John D. Dingell
U.S. House of Representatives
Washington, DC 20515-2216

Dear Representative Dingell:

Thursday, July 26, is the eleventh anniversary of the signing of the Americans with Disabilities Act. On that day, you will have an opportunity to reaffirm your commitment to people with disabilities by voting for the patients' rights bill offered by Congressmen Greg Ganske (R-IA), Charlie Norwood (R-GA) and John Dingell (D-MI).

For many Paralyzed Veterans of America (PVA) members and their families, managed care is the principal source of their health care coverage. Although an alternative bill introduced by Congressman Fletcher is portrayed by its supporters as a patient protection measure, PVA believes that H.R. 2563 has the strongest provisions in numerous areas critical to high quality health care for people with disabilities.

For example, for individuals with spinal cord injury and dysfunction, timely access to good specialty care is of paramount importance. The authors of H.R. 2563 have included provisions governing access to specialists which assure that authorizations for outside providers are given in a timely manner and are appropriate to the patient's condition. H.R. 2563 allows patients to seek access to specialists for care of ongoing special conditions that are "potentially disabling" or "congenital". The Fletcher bill contains no such language, thus eliminating a host of medical conditions that often require specialty care.

With regard to the question of liability, PVA urges you to remember the 125 million Americans who, for over twenty-five years, have been unable or severely restricted in being able to hold insurers and health plans legally accountable when their actions or decisions cause a patient harm or death. While most industries in this nation must answer in the courts for actions that harm people, HMOs and insurance companies are almost alone in their immunity from such suits. H.R. 2563 strikes a proper balance in ending this injustice.

Despite claims of patient protection opponents, states that have allowed limited liability against health plans of the kind envisioned in H.R. 2563 have not experienced an explosion of questionable legal actions. In Texas, where a four year old patient

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protection law exists, fewer than a dozen lawsuits have been brought under that statute. Similar legislation passed in Georgia two years ago has resulted in only four lawsuits.

There is no more need to compromise. H.R. 2563 is already a compromise reflecting the efforts of patient advocates on both sides of the aisle and both sides of Congress to find common ground and respond to critics of legislation passed in the 106th Congress.

I urge you and your colleagues to support the Bipartisan Patient Protection Act and move forward with its passage as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Joseph L. Fox, Sr.".

Joseph L. Fox, Sr.
National President